

Town of North Hempstead



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David L. Mammìna, R.A., A.I.A.

Vice Chairman
Donal McCarthy, Esq.

Members
Paul Aloe, Esq.
Leslie Francis, Esq.
David I. Levine, Esq.
Secretary
Jonathan P. Fielding, Esq.

Board of Zoning Appeals

210 Plandome Road
Manhasset, NY 11030
(516) 869-7667
Fax (516) 869-7812

NOTICE OF DECISION

APPEAL #20071 - James & Robin Carr – variances 70-40.C and 70-208.F to construct an addition to a nonconforming dwelling within a required front yard setback; S/side 10 Plymouth Rd., 160' E/of Colby Rd., Port Washington, Sec. 6, Blk. 45, Lot 9, R-B District.

WHEREAS, an application (15-107493) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Janice Miller, R.A., dated May 6, 2014 and revised through August 25, 2015, and a survey prepared by Frank Galluzzo, P.L.S., dated January 20, 2014.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammìna



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NOTICE OF DECISION

APPEAL #20072 - Kristin Graham – variances 70-40.A and 70-101.B to construct a portico exceeding the permitted encroachment and within a required front yard setback; W/side 9 Lowell Rd., 125' S/of Hawthorne Ave., Port Washington, Sec. 6, Blk. 63, Lot 4, R-B District.

WHEREAS, an application (15-107274) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Janice Miller, R.A., dated May 18, 2015 and revised through August 6, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Member Levine
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammìna



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NOTICE OF DECISION

APPEAL #20075 – Camile Castellana, variances 70-41, 70-208.F, 70-100.2.A(4)(a)[5] & 70-100.2.A(2) to construct additions to a nonconforming dwelling with insufficient side yards, to maintain and construct fencing exceeding the permitted height and forward of a front building line; S/side #24 Eleventh St., 467.5' E/of Peachtree Ln., Carle Place, Sec. 10, Blk. 267, Lot 9, R-B District.

WHEREAS, an application (15-107384) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, with respect to the variances sought from §§ 70-41 and 70-208.F, of the dimension and in the location shown on drawings prepared by William J. Cook, R.A., dated June 30, 2015, **GRANTED IN PART**, with respect to the variance sought from §70-100.2A(4)(a)[5], of the dimension and in the location shown on a survey prepared by Joseph M. Petito, L.L.S., dated April 22, 2015 as annotated by the Board, **SUBJECT TO THE CONDITION** that the fence exceeding the permitted height be removed prior to the transfer of title to the property, and **DENIED** with respect to the variance sought from §70-100.2.A(2).

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Member Levine
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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NOTICE OF DECISION

APPEAL #20077 – Chris Patalano/Spanky’s Food Factory, conditional use 70-139.A to make interior alterations for a new fast food restaurant; SW/cor./of #2458 Jericho Tpke. and Herricks Rd., Garden City Park, Sec. 33, Blk. 552, Lot 15, B-B District.

WHEREAS, an application (15-107812) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; therefore, at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Keith M. Lucas, R.A., dated May 14, 2015 and revised through September 17, 2015, **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER:**

SEE ATTACHED RIDER

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 20077

Chris Patalano/Spanky's Food Factory

SW/cor./of #2458 Jericho Tpke. and Herricks Rd., Garden City Park

Section: 33 Block: 552 Lot: 15

1. That the applicant shall install and maintain a suitable refrigerated garbage locker within the building. There shall be no outdoor storage of putrescible waste generated by the proposed restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to approval and/or issuance of a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, and at every subsequent inspection following the issuance of said Place of Assembly or Place of Public Assembly License.
2. That all exterior doors shall be of solid construction in any material permitted under the New York State Fire Prevention and Building Code, shall be equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
3. At no time may there be more than 14 seats on the premises. For purposes of this condition, a seat is defined as any place on the premises where a patron may sit and be served, whether or not a person is seated there. A table set up with four chairs counts as four seats. The conditional use permit and/or variance set forth herein shall continue only for so long as there is compliance with this condition. If at any time the applicant is not in compliance with this condition, then the conditional use permit shall terminate, and the applicant must make a new application to the Board in order to continue the restaurant use.
4. That the applicant shall obtain a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, from the Building Department prior to the issuance of a Certificate of Occupancy or Completion.
5. That the applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that no Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Buildings.
6. That the applicant and or its successor shall comply with Code § 70-225(7)(A). Prior to making any changes to the kitchen, either by the addition of equipment not on the approved plan, or through an increase in the size of existing equipment, or in the size of the square footage of the kitchen, the applicant or its successor shall make a new application to this Board for a conditional use permit to use the space as a restaurant.
7. That the conditional use permit set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the applicant is not in compliance with these conditions, then the conditional use permit shall terminate, and applicant must make a new application to this Board in order to continue the premises as a restaurant/food use.

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NOTICE OF DECISION

APPEAL #20033 – Shanna Lula, variances 70-100.1, 70-100.2.A(2), 70-100.2.G, 70-102.C(1), 70-102.C(4) to maintain accessory structures, a portable shed, pool and pool equipment in a front yard and fencing forward of a front building line; W/side #20 Garden Ave., 77.35' N/of Wright St., Carle Place, Sec. 10, Blk. S-1, Lot 3, R-C District.

WHEREAS, an application (15-104481) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by William J. Cook, R.A., dated December 30, 2014 and a survey prepared by Frank S. Ferrantello, L.P.S., dated June 14, 2012 and revised through April 14, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Levine
Aye: Member Levine, Vice Chairman McCarthy, Chairman Mammina
Absent: Member Francis, Member Aloe,



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NOTICE OF DECISION

APPEAL #20036 – Marie Jean, variances 70-100.2.A(2) & 70-100.2.A(4)(b) to maintain fences exceeding permitted height; E/side #859 Urban Ave., 675' S/of Prospect Ave., Westbury, Sec. 11, Blk. 28, Lot 32, R-C District.

WHEREAS, an application (15-103798) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Member Levine
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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NOTICE OF DECISION

APPEAL #20037 - Olaolu Akinola, variance 70-100.2.A(2) to erect fencing beyond the front building line; S/side 832 First Ave., 160' W/of First St., Westbury, Sec. 11, Blk. 104, Lot 205, R-C District.

WHEREAS, an application (15-104344) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Member Levine
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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NOTICE OF DECISION

APPEAL #20060 - Thomas LoPresti, variances 70-102.C(1), 70-100.1.A, 70-202.1.C, 70-202.1.D, and 70-102.C(2)(a)[5] to maintain a hot tub, pool equipment and accessory structures in a side yard, to maintain retaining walls exceeding the permitted height with insufficient distance between walls, and pool fencing forward of the rear building line; N/side 139 Executive Dr., 213.86 E/of Suburban Gate, Manhasset, Sec. 8, Blk. 280, Lot 5, R-A District.

WHEREAS, an application (15-106144) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, and at a meeting of the Board held on **OCTOBER 7, 2015**, the decision in the above entitled matter was amended as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Edward Paul Butt, R.A., dated October 6, 2014 and a survey prepared by Martin Alexander Read, L.L.S., dated October 22, 2014 and revised through November 3, 2014.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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NOTICE OF DECISION

APPEAL #20070 – Suman Calbio, variance 70-100.2.A(4)(a)(5) to install fencing exceeding the permitted height; S/side 6 Second St., 80' W/of First Ave., Westbury, Sec. 11, Blk. 165, Lot 22, R-C District.

WHEREAS, an application (15-107090) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; therefore, at a meeting of the Board held on **OCTOBER 7, 2015**, the decision in the above entitled matter was amended as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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AMENDED NOTICE OF DECISION

APPEAL #19860 - Woodland Place Development, LLC (Owner)/Edward W. Dickman (Applicant), variances 70-26.A, 70-29.C, and 70-32.7 to construct a new dwelling exceeding the permitted height, eave height, and floor area; E/side Woodland Pl., 500' E/of Orchard Rd., Great Neck, Sec. 2, Blk. 354, Lot 157, R-A District.

WHEREAS, an application (14-108179) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and, whereas, at a meeting held on February 11, 2015 a decision was rendered by the Board granting the appeal, and whereas, the applicant applied in writing for an amendment of that decision; therefore, at a meeting of the Board held on **OCTOBER 7, 2015**, the appeal in the above entitled matter was amended as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Edward W. Dickman, R.A., dated August 2, 2013, revised through November 22, 2014 and received by the Board on February 2, 2015, showing a gross floor area of 4,530 square feet. The relief granted herein, along with the approvals issued by this Board in relation to appeal nos. 19556.A, 19556.B, and 19556.C are hereby renewed as of October 7, 2015 and shall run concomitantly with this amended decision.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Vice Chairman McCarthy
Nay: None.
Absent: Member Aloe, Chairman Mammina



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